

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 4, 6, 9, 10, 13, and 16 have been amended. Claims 2 and 14 have been cancelled. Claims 3-8, 11-12, and 15-18 are withdrawn from consideration. Claims 1, 9, 10, and 13 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

The Applicant requests entry of this Rule 116 Response because:

it is believed that the amendment of claims 1, 4, 6, 9, 10, 13, and 16 places this application into condition for allowance and place the application at least into a better form for purposes of appeal. No new matter is being added.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102:

Claims 1, 2, 9-10, and 13-14 stand rejected under 35 U.S.C. 102(a) as being anticipated by JP Publication No. 11-339294 (Yasuda). All rejections are respectfully traversed.

Amended, independent claims 1, 9, 10, and 13 recite "...wherein the magnet is displaced a predetermined distance from a center line of the blade to an asymmetric position such that the electromagnetic force acts on the blade asymmetrically and in a radial direction of the disc toward an outer circumference of the disc."

Yasuda discusses an optical drive system with a magnet 8 that is displaced such that to move an electromagnetic force 13 in the direction of tracking (Paragraph 16).

However, it is respectfully submitted that Yasuda fails to disclose "the magnet is displaced...in a radial direction of the disc toward an outer circumference of the disc" as recited in amended, independent claims 1, 9, 10, and 13.

Instead, Yasuda describes how the tilt of an objective lens 1 is detected by using an

autocollimator 12, the position of a yoke 9 in a tracking direction is adjusted, and the position of the yoke 9 is **adhered and fixed** (*emphasis added*, abstract; Para. 17). As a result of doing so, the radial tilt becomes zero, even though the holder 4 moves to any location in a focusing direction (abstract; Para. 18). Thus, **the tilt including the dispersion of the characteristics is prevented.** (*emphasis added*, abstract).

Although the claims are not restricted to what is disclosed in the specification and drawings, for antecedent basis purposes, the Examiner is referred to an elevating arm 310 of a jig 300 that holds and positions the magnet 140 mounted on the yoke 150 (Para. 21 of the present application). With the jig of the present application holding down the magnet 140, the magnet 140 is moved a predetermined distance S towards the outer circumference of the disc D to cause radial rolling of the optical pickup in a (+) direction (Para. 21). As a result, the electromagnetic force acting on the blade 100 during a focusing operation is greater toward the center of the disc D than the outer circumference of the disc D, thereby causing the blade 100 to tilt in the (+) direction (Para. 22).

Yasuda teaches away from "...wherein the magnet is displaced a predetermined distance from a center line of the blade to an asymmetric position such that the electromagnetic force acts on the blade asymmetrically and in a radial direction of the disc toward an outer circumference of the disc" by immobilizing the yoke 9 to set a radial tilt to about zero (Para. 16 and 17 of Yasuda). Yasuda discusses an optical pickup device to control and *reduce* the tilt of the objective lens (Para. 13). The present application, for example, is directed to a magnet displaced in a radial direction of the disc to induce proper rolling to perform effective control (Para. 21 and 26 of the present application).

Therefore, Yasuda does not disclose, *inter alia*, "...wherein the magnet is displaced a predetermined distance from a center line of the blade to an asymmetric position such that the electromagnetic force acts on the blade asymmetrically and in a radial direction of the disc toward an outer circumference of the disc."

CONCLUSION

In accordance with the foregoing, the Applicants respectfully submit that all outstanding rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, the Board should enter this Amendment at least for purposes

of Appeal as it either clarifies and/or narrows the issues for consideration.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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